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**BEFORE THE ARIZONA CORPORATION COMMISSION**

JIM IRVIN  
COMMISSIONER-CHAIRMAN  
TONY WEST  
COMMISSIONER  
CARL J. KUNASEK  
COMMISSIONER

**DOCKETED**

JAN 29 1999

IN THE MATTER OF THE APPLICATION OF  
BIG PARK WATER COMPANY FOR AN  
EXTENSION OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY.

DOCKET NO. W-01624A-98-0367

DECISION NO. 61371**OPINION AND ORDER**

DATE OF HEARING: October 29, 1998

PLACE OF HEARING: Phoenix, Arizona

PRESIDING OFFICER: Teena Wolfe

APPEARANCES: Mr. Richard L. Sallquist, SALLQUIST & DRUMMOND, P.C., on  
behalf of Big Park Water Company;Mr. Robert Gaeke, Vice President and General Counsel, on behalf of  
Intervenor Arizona Water Company;Mr. Jeffrey W. Crockett, SNELL & WILMER, L.L.P., on behalf of  
Intervenor Harvard Investments; andMr. Patrick Black, Staff Attorney, Legal Division, on behalf of Arizona  
Corporation Commission Staff.**BY THE COMMISSION:**

On July 8, 1998 Big Park Water Company ("Big Park" or "Company") filed with the Arizona  
Corporation Commission ("Commission") an application for approval of an extension to its existing  
Certificate of Convenience and Necessity ("CC&N" or "Certificate") territory ("Application").

On September 2, 1998, the Commission's Utilities Division Staff ("Staff") filed its Staff  
Report on this matter.

On September 4, 1998, the Commission issued a Procedural Order setting the hearing for  
October 29, 1998.

On September 21, 1998, Big Park filed an Amended Application in which it requested  
authority to add properties designated therein as "the Coble's Property" and "the Fisher Property" to  
the territory Big Park requested in its Application ("Amended Application").

1 On October 7, 1998, Arizona Water Company ("AWC") filed an Application to Intervene  
2 this matter, which was granted by Procedural Order dated October 19, 1998.

3 On October 9, 1998, Big Park filed a Second Amended Application in which it requested  
4 authority to serve territory designated therein as Parcel D ("Ludwig Property") in addition to the  
5 territory requested in its Application and in its Amended Application ("Second Amended  
6 Application").

7 Harvard Investments, Inc. ("Harvard") was granted intervention in this matter on October 26,  
8 1998. Harvard owns the property Big Park requested in its Application, which is referred to as Parcel  
9 A in the Second Amended Application ("La Barranca Subdivision").

10 By Procedural Order dated October 27, 1998, for purposes of hearing only, the Fisher  
11 Property territory was severed from the Application as amended. The procedural severance was  
12 effected in order to allow Intervenor AWC adequate time to prepare for the hearing on the Fisher  
13 Property, and to avoid delaying the hearing on the La Barranca Subdivision territory, the Coble's  
14 Property territory, and the Ludwig Property territory.

15 On November 19, 1998, AWC filed with the Commission an application for the extension of  
16 its CC&N to include additional territory which includes, among other parcels of land, the Fisher  
17 Property ("AWC Application"). See Docket No. W-01445A-98-0667. By Procedural Order dated  
18 November 30, 1998, Big Park's request to intervene in the AWC Application was granted, and the  
19 Fisher Property territory was severed from the AWC Application for purposes of hearing only.

20 On October 29, 1998, a full public hearing was held as scheduled on Big Park's Application  
21 as amended, with the exception of the severed Fisher Property territory, before a duly authorized  
22 Hearing Officer of the Commission at its offices in Phoenix, Arizona. Big Park and Staff appeared  
23 with counsel and presented evidence. Intervenor AWC and Harvard also appeared with counsel at  
24 the hearing. At the conclusion of the hearing, the matter was taken under advisement pending  
25 submission of a Recommended Opinion and Order to the Commission.

### 26 DISCUSSION

27 Big Park currently provides water service to approximately 2,218 customers in an area loca  
28

1 east of Sedona in Yavapai County, Arizona. The Arizona Department of Environmental Quality  
2 ("ADEQ") indicates that Big Park provides water that meets the quality requirements of the Safe  
3 Drinking Water Act ("SDWA").

4 At the hearing, Staff recommended unconditional approval of the extension of Big Park's  
5 CC&N territory to include the three parcels of land described in Exhibit A, attached hereto and  
6 incorporated herein by reference ("Exhibit A"). Staff also recommended that Big Park charge its  
7 existing rates in the extended CC&N territory. We find that Staff's recommendations are reasonable  
8 and will adopt them.

9 \* \* \* \* \*

10 Having considered the entire record herein and being fully advised in the premises, the  
11 Commission finds, concludes, and orders that:

12 **FINDINGS OF FACT**

13 1. Big Park is an Arizona corporation engaged in providing water utility service to  
14 approximately 2,218 customers in an area located east of Sedona in Yavapai County.

15 2. On July 8, 1998, Big Park filed with the Commission its Application for an extension of  
16 its existing CC&N territory to include the La Berranca Subdivision.

17 3. On September 2, 1998, Staff filed its Staff Report, recommending approval of the  
18 Application.

19 4. On September 4, 1998, the Commission issued a Procedural Order setting the hearing for  
20 October 29, 1998.

21 5. On September 21, 1998, Big Park filed its Amended Application in which it requested  
22 authority to further extend its CC&N territory to include the Coble's Property and the Fisher  
23 Property.

24 6. Big Park provided notice of the hearing on September 23, 1998 by publication in the  
25 Sedona Red Rock News.

26 7. On October 9, 1998, Big Park filed its Second Amended Application in which it requested  
27 authority to further extend its CC&N territory to include the Ludwig Property.  
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1 8. On October 26, 1998, during oral argument at which all parties were present, Harvard v  
2 granted intervention in the proceedings on the Application as amended.

3 9. By Procedural Order of October 27, 1998, the Fisher Property territory was severed from  
4 the Application as amended for purposes of hearing only.

5 10. Big Park provided formal notice of the hearing by U.S. Mail on October 28, 1998 to the  
6 property owner in the territory Big Park requested in its Second Amended Application. The record in  
7 this hearing was left open until November 16, 1998 in order to allow adequate time for that party to  
8 intervene.

9 11. The hearing was held as scheduled for all the territory requested in the Application as  
10 amended, with the exception of the procedurally severed Fisher Property territory.

11 12. At the hearing, Mr. Steve Gudovic, President of Big Park, testified on Big Park's behalf.

12 13. In the portion of the proceeding on its Application as amended which was heard on  
13 October 29, 1998, Big Park requested expansion of its CC&N into an area consisting of the La  
14 Barranca Subdivision territory, the Coble's Property territory, and the Ludwig Property territo  
15 which are described in Exhibit A.

16 14. The owners of the parcels of land described in Exhibit A have requested service from Big  
17 Park for their planned land development.

18 15. Big Park plans to submit for Commission approval a line extension agreement with the  
19 developer of the La Barranca Subdivision for construction of new facilities required to serve that  
20 territory.

21 16. Big Park currently has sufficient backbone facilities in place to serve the Coble's Property  
22 territory and the Ludwig Property territory.

23 17. The developer of the La Barranca Subdivision has obtained a Certificate of Adequate  
24 Water Supply ("CAWS") from the Arizona Department of Water Resources ("ADWR").

25 18. The Coble's Property territory and the Ludwig Property territory will not be subdivided  
26 and therefore require no CAWS from ADWR.

27 19. There are no public service corporations or municipally owned water systems authoriz  
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1 to provide or providing service in the proposed Certificate extension area.

2 20. Big Park has applied for Approvals to Construct from ADEQ.

3 21. Big Park is current on its property taxes and sales taxes.

4 22. Big Park has a full-time certified operator.

5 23. Big Park is current with Commission filing requirements.

6 24. Big Park is in compliance with ADEQ requirements and is serving water that meets  
7 SDWA requirements.

8 25. Big Park has received a county franchise for the requested area.

9 26. At the hearing, Staff recommended that Big Park's CC&N be extended to include the  
10 territory Big Park requested at the hearing.

11 27. Staff also recommended at the hearing that Big Park charge its existing rates and charges  
12 within the extension areas Big Park requested at the hearing.

13 28. Staff's recommendations as set forth in Findings of Fact Nos. 26 and 27 above are  
14 reasonable.

15 **CONCLUSIONS OF LAW**

16 1. Big Park is a public service corporation within the meaning of Article XV of the Arizona  
17 Constitution and A.R.S. §§ 40-281 and 40-282.

18 2. The Commission has jurisdiction over Big Park and of the subject matter of the  
19 application.

20 3. Notice of the hearing was given in accordance with the law.

21 4. Big Park is a fit and proper entity to receive an amended Certificate which encompasses  
22 the extension area described in Exhibit A.

23 5. The public convenience and necessity require the extension of Big Park's Certificate to  
24 include the extension area described in Exhibit A.

25 6. Staff's recommendations as set forth in Findings of Fact Nos. 26 and 27 should be  
26 adopted.

27 ...  
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ORDER

IT IS THEREFORE ORDERED that the application of Big Park Water Company for an extension of its Certificate of Convenience and Necessity to include the area described in Exhibit A attached hereto and incorporated herein by reference be, and hereby is, granted.

IT IS FURTHER ORDERED that Big Park Water Company shall charge its existing rates and charges in the extension area.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

  
COMMISSIONER-CHAIRMAN

  
COMMISSIONER

  
COMMISSIONER

IN WITNESS WHEREOF, I, STUART BRACKNEY, Acting Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 29 day of Jan, 1999.

  
STUART BRACKNEY  
ACTING EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
TW:bbs

1 SERVICE LIST FOR: BIG PARK WATER COMPANY

2 DOCKET NO. W-01624A-98-0367

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17 Director  
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20  
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22  
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## EXHIBIT A

## LEGAL DESCRIPTION

Being portions of Sections 17 and 18, both in Township 16 North, Range 6 East of the Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the Northeast Corner of the south half of the north half of the Northwest Quarter of said Section 17;

- THENCE North 89°28'33" West, (a bearing of record and basis of bearings for this description), along the north line thereof, a distance of 327.97 feet to the POINT OF BEGINNING.
- THENCE South 00°12'55" West, parallel with the east line of said Northwest Quarter of said Section 17, a distance of 1985.68 feet to a point on the northerly right of way line of "JACKS CANYON ROAD" as depicted on the right of way maps for said road, recorded at Book 18 of Maps and Plats, Pages 62 and 63, and Book 39 of Land Surveys, Page 31, records of said Yavapai County;
- THENCE South 05°34'47" West, a distance of 100.73 feet to a point on the south line of the Northwest Quarter of said Section 17;
- THENCE North 89°28'03" West, along said south line, a distance of 1641.39 feet to the northeast corner of the north half of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section 17;
- THENCE South 00°08'00" West, along the east line thereof, a distance of 330.26 feet to the southeast corner thereof;
- THENCE North 89°30'00" West, along the south line thereof, a distance of 659.43 feet to the southwest corner of said north half of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section 17;
- THENCE North 00°06'22" East, along the west line thereof, a distance of 330.64 feet to the West Quarter corner of said Section 17, being also the East Quarter corner of said Section 18;
- THENCE North 89°26'55" West, a distance of 513.72 feet to a point on the medial line of an existing creek bed;
- THENCE South 60°29'59" West, along said medial line, a distance of 119.26 feet;
- THENCE North 88°17'10" West, along said medial line, a distance of 73.64 feet;
- THENCE North 62°21'34" West, a distance of 222.81 feet to a point on the southerly right of way line of "JACKS CANYON ROAD" as depicted on said right of way map, said point being on a circular curve, the radius point of which bears North 12°49'39" West, a distance of 300.44 feet;
- THENCE Westerly and Northwesterly, along the arc of said curve, through a central angle of 38°13'06", a distance of 200.40 feet to the point of tangency of said curve;
- THENCE North 64°36'33" West, along said right of way line, a distance of 125.00 feet;
- THENCE South 25°23'27" West, a distance of 70.00 feet;
- THENCE South 20°30'53" East, a distance of 109.03 feet to a point on said medial line of said creek bed;
- THENCE South 25°12'06" West, along said medial line, a distance of 94.26 feet;

## PARCEL A



## LEGAL DESCRIPTION - continued

THENCE South 11°38'45" West, along said medial line, a distance of 107.67 feet;

THENCE South 07°14'23" West, along said medial line, a distance of 98.23 feet to a point on the south line of the north half of the north half of the Northeast Quarter of the Southeast Quarter of said Section 18;

THENCE North 89°49'02" West, along said south line, a distance of 55.46 feet to the southwest corner thereof;

THENCE South 00°09'00" West, along the east line of the Northeast Quarter of the Northwest Quarter of the Southeast Quarter of said Section 18, a distance of 330.46 feet to the southeast corner thereof;

THENCE North 89°48'34" West, along the south line thereof, a distance of 661.55 feet to the southwest corner thereof;

THENCE North 00°10'18" East, along the west line of the Northeast Quarter of the Northwest Quarter of the Southeast Quarter of said Section 18, a distance of 660.74 feet to the northwest corner thereof;

THENCE South 89°49'30" East, along the north thereof, a distance of 330.65 feet to the southwest corner of the east half of the Southeast Quarter of the Southwest Quarter of the Northeast Quarter of said Section 18;

THENCE North 00°08'15" East, along the west line thereof, a distance of 660.95 feet to the northwest corner thereof;

THENCE South 89°51'30" East, along the north line of the east half of the Southeast Quarter of the Southwest Quarter of the Northeast Quarter and along the north line of the south half of the Southeast Quarter of the Northeast Quarter of said Section 18, a distance of 1652.16 feet to the northeast corner of the south half of the Southeast Quarter of the Northeast Quarter of said Section 18;

THENCE South 00°02'40" West, along the east line of said Section 18, being also the west line of said Section 17, a distance of 66.46 feet to a point on the northerly right of way line of said "JACKS CANYON ROAD", said point being on a circular curve, the radius point of which bears South 12°17'07" West, a distance of 190.78 feet;

THENCE Southeasterly, along the arc of said curve, through a central angle of 33°28'20", a distance of 111.45 feet to the point of tangency of said curve;

THENCE South 44°14'33" East, along said right of way line, a distance of 5.56 feet to a point which lies 100.00 feet east of the west line of said Section 17;

THENCE North 00°02'40" East, parallel with and 100.00 feet east of said west line, a distance of 156.72 feet to a point on the medial line of an existing creek bed;

THENCE along said medial line, the following courses and distances:  
 South 79°53'13" East, a distance of 10.12 feet to the point of curvature of a circular curve, the radius point of which bears North 10°06'47" East, a distance of 51.40 feet;

THENCE Easterly, along the arc of said curve, through a central angle of 79°52'34", a distance of 71.66 feet to the point of tangency of said curve;

## LEGAL DESCRIPTION - continued

THENCE North 20°14'13" East, a distance of 173.53 feet to the point of curvature of a circular curve, the radius point of which bears South 69°45'47" East, a distance of 37.08 feet;

THENCE Northeasterly, along the arc of said curve, through a central angle of 67°58'24", a distance of 43.99 feet to the point of tangency of said curve;

THENCE North 88°12'37" East, a distance of 193.82 feet to the point of curvature of a circular curve, the radius point of which bears North 01°47'23" West, a distance of 44.28 feet;

THENCE Northeasterly, along the arc of said curve, through a central angle of 48°36'51", a distance of 37.57 feet to the point of tangency of said curve;

THENCE North 39°35'48" East, a distance of 79.51 feet to the point of curvature of a circular curve, the radius point of which bears North 50°24'14" West, a distance of 53.64 feet;

THENCE Northeasterly, along the arc of said curve, through a central angle of 31°14'54", a distance of 29.25 feet to the point of tangency of said curve;

THENCE North 08°20'51" East, a distance of 70.94 feet to the point of curvature of a circular curve, the radius point of which bears South 81°39'09" East, a distance of 64.58 feet;

THENCE Northeasterly, along the arc of said curve, through a central angle of 42°19'35", a distance of 47.71 feet to the point of tangency of said curve;

THENCE North 50°40'26" East, a distance of 134.09 feet to the point of curvature of a circular curve, the radius point of which bears North 39°19'34" West, a distance of 163.66 feet;

THENCE Northerly, along the arc of said curve, through a central angle of 71°08'14", a distance of 203.19 feet to the point of tangency of said curve, being also the point of curvature of a circular curve, the radius point of which bears North 69°32'12" East, a distance of 63.94 feet;

THENCE Northerly, along the arc of said curve, through a central angle of 64°03'20", a distance of 71.49 feet to the point of tangency of said curve;

THENCE North 43°35'32" East, a distance of 94.23 feet to the point of curvature of a circular curve, the radius point of which bears South 46°24'28" East, a distance of 738.51 feet;

THENCE Northeasterly, along the arc of said curve, through a central angle of 06°12'02", a distance of 79.92 feet to the point of tangency of said curve;

THENCE North 49°47'34" East, a distance of 360.95 feet to the point of curvature of a circular curve, the radius point of which bears South 40°12'26" East, a distance of 62.08 feet;

THENCE Easterly, along the arc of said curve, through a central angle of 58°33'43", a distance of 63.45 feet to the point of tangency of said curve, being also the point of curvature of a circular curve, the radius point of which bears North 18°21'18" East, a distance of 63.65 feet;

THENCE Easterly and Northerly, along the arc of said curve, through a central angle of 133°04'00", a distance of 147.82 feet to the point of tangency of said curve;

LEGAL DESCRIPTION - continued

THENCE North 24°42'43" West, a distance of 55.97 feet to the point of terminus of said medial line, being also a point on the north line of the south half of the north half of the Northwest Quarter of said Section 17;  
THENCE South 89°28'33" East, along said north line, a distance of 1054.45 feet to the POINT OF BEGINNING.



Containing 124.251 acres, more or less.

# Legal Description

DOCKET NO. W-01624A-98-0367

## *For: Coble Property*

Being a portion of Section 18, Township 16 North, Range 6 East of the Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the Southwest corner of the North half of the North half of the Northeast Quarter of the Southeast Quarter of said Section 18:

THENCE South  $89^{\circ}49'02''$  East, (a bearing of record and basis of bearings for this description), along the south line thereof, a distance of 55.46 feet to a point on the medial line of an existing creek bed and the POINT OF BEGINNING.

THENCE North  $07^{\circ}14'23''$  East, along said medial line, a distance of 98.23 feet;

THENCE North  $11^{\circ}38'45''$  East, along said medial line, a distance of 107.67 feet;

THENCE North  $25^{\circ}12'06''$  East, along said medial line, a distance of 94.26 feet;

THENCE North  $20^{\circ}30'53''$  West, a distance of 109.03 feet;

THENCE North  $25^{\circ}23'27''$  East, a distance of 70.00 feet to a point on the southerly right of way line of "Jacks Canyon Road" as depicted on the right of way map of said road, recorded at Book 18 of Maps and Plans, Page 62, records of said Yavapai County;

THENCE South  $64^{\circ}36'33''$  East, along said right of way line, a distance of 125.00 feet to the point of curvature of a circular curve, the radius point of which bears North  $25^{\circ}23'27''$  East, a distance of 300.44 feet;

THENCE Southeasterly and Easterly, along the arc of said curve, and along said right of way line, through a central angle of  $38^{\circ}13'06''$ , a distance of 200.40 feet;

THENCE South  $62^{\circ}21'34''$  East, a distance of 222.31 feet to a point on said medial line;

THENCE South  $88^{\circ}17'10''$  East, along said medial line, a distance of 73.64 feet;

THENCE North  $60^{\circ}29'59''$  East, along said medial line, a distance of 119.26 feet;

THENCE South  $89^{\circ}26'55''$  East, a distance of 518.72 feet to the East Quarter Corner of said Section 18;

THENCE South  $00^{\circ}06'22''$  West, along the east line of said Section 18, a distance of 330.64 feet to the Southeast corner of the North Half of the North Half of the Northeast Quarter of the Southeast Quarter of said Section 18;

THENCE North  $89^{\circ}49'02''$  West, along the south line thereof, a distance of 1267.38 feet to the Point of Beginning.

Comprising an area of 9.750 acres, more or less.

**PARCEL B**

## LEGAL DESCRIPTION

Being a portion of the Northwest Quarter of Section 17, Township 16 North, Range 6 East of the Gila and Salt River Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the northwest corner of said Section 17, said northwest corner being monumented with a U.S.S.L.M. brass capped iron post;

THENCE South 00°02'40" West, (assumed bearing of record), along the west line of said Section 17, a distance of 661.91 feet to the northwest corner of the south half of the north half of said northwest quarter and the POINT OF BEGINNING.

THENCE South 00°02'40" West, continuing along said west line, a distance of 1390.27 feet to a point on the northerly right of way line of "JACKS CANYON ROAD", as depicted on the right of way map of said "JACKS CANYON ROAD", recorded at Book 18 of Maps and Plats, Page 63, records of Yavapai County, said point on said northerly right of way line being a point on a circular curve, the radius point of which bears South 12°17'07" West, a distance of 190.78 feet;

THENCE Southeasterly, along the arc of said curve and along said northerly right of way line, through a central angle of 33°28'20", a distance of 111.45 feet to the point of tangency of said curve;

THENCE South 44°14'33" East, continuing along said northerly right of way line, a distance of 5.56 feet to a point which lies 100.00 feet east of said west line of said Section 17;

THENCE North 00°02'40" East, parallel with and 100.00 feet east of said west line, a distance of 156.72 feet to a point on the medial line of an existing creek bed;

THENCE along said medial line, the following courses and distances: South 79°53'13" East, a distance of 10.12 feet to the point of curvature of a circular curve, the radius point of which bears North 10°06'47" East, a distance of 51.40 feet;

THENCE Easterly, along the arc of said curve, through a central angle of 79°52'34", a distance of 71.66 feet to the point of tangency of said curve;

THENCE North 20°14'13" East, a distance of 173.53 feet to the point of curvature of a circular curve, the radius point of which bears South 69°45'47" East, a distance of 37.08 feet;

THENCE Northeasterly, along the arc of said curve, through a central angle of 67°58'24", a distance of 43.99 feet to the point of tangency of said curve;

THENCE North 88°12'37" East, a distance of 193.82 feet to the point of curvature of a circular curve, the radius point of which bears North 01°47'23" West, a distance of 44.28 feet;

THENCE Northeasterly, along the arc of said curve, through a central angle of 48°36'51", a distance of 37.57 feet to the point of tangency of said curve;

THENCE North 39°35'46" East, a distance of 79.51 feet to the point of curvature of a circular curve, the radius point of which bears North 50°24'14" West, a distance of 53.64 feet;

THENCE Northeasterly, along the arc of said curve, through a central angle of 31°14'54", a distance of 29.25 feet to the point of tangency of said curve;

## PARCEL D

## Legal Description - continued

- THENCE North 08°20'51" East, a distance of 70.94 feet to the point of curvature of a circular curve, the radius point of which bears South 81°39'09" East, a distance of 64.58 feet;
- THENCE Northeasterly, along the arc of said curve, through a central angle of 42°19'35", a distance of 47.71 feet to the point of tangency of said curve;
- THENCE North 50°40'26" East, a distance of 134.09 feet to the point of curvature of a circular curve, the radius point of which bears North 39°19'34" West, a distance of 163.66 feet;
- THENCE Northerly, along the arc of said curve, through a central angle of 71°08'14", a distance of 203.19 feet to the point of tangency of said curve, being also the point of curvature of a circular curve, the radius point of which bears North 69°32'12" East, a distance of 63.94 feet;
- THENCE Northerly, along the arc of said curve, through a central angle of 64°03'20", a distance of 71.49 feet to the point of tangency of said curve;
- THENCE North 43°35'32" East, a distance of 94.23 feet to the point of curvature of a circular curve, the radius point of which bears South 46°24'28" East, a distance of 738.51 feet;
- THENCE Northeasterly, along the arc of said curve, through a central angle of 06°12'02", a distance of 79.92 feet to the point of tangency of said curve;
- THENCE North 49°47'34" East, a distance of 360.95 feet to the point of curvature of a circular curve, the radius point of which bears South 40°12'26" East, a distance of 62.08 feet;
- THENCE Easterly, along the arc of said curve, through a central angle of 58°33'43", a distance of 63.45 feet to the point of tangency of said curve, being also the point of curvature of a circular curve, the radius point of which bears North 18°21'18" East, a distance of 63.65 feet;
- THENCE Easterly and Northerly, along the arc of said curve, through a central angle of 133°04'00", a distance of 147.92 feet to the point of tangency of said curve;
- THENCE North 24°42'43" West, a distance of 55.97 feet to the point of terminus of said medial line, being also a point on the north line of the south half of the north half of said northwest quarter of said Section 17;
- THENCE North 89°28'33" West, along said north line, a distance of 1261.87 feet to the POINT OF BEGINNING.

Comprising an area of 21.6192 acres, more or less.



The above described property is subject to all valid rights existing on this date.